

APPLICATION FOR A VARIANCE
ZONING BOARD OF ADJUSTMENT APPLICATION
CITY OF SOMERSWORTH, NEW HAMPSHIRE

(Do not write in this space)

Date Received: _____
Fee Paid: \$ _____
Case Number: _____

1. Name of applicant: _____
Address (include City, State, ZIP): _____

Telephone: _____
2. Name of property owner: _____
(if same as applicant, write "same")
Address (include City, State, ZIP): _____

Telephone: _____
3. Location of Property: _____
(number and street)
Assessor's Map: _____ Lot: _____ Zoning District: _____

The Department of Development Services must receive a complete application at least two and a half (2½) weeks prior to the scheduled Zoning Board of Adjustment meeting. The Zoning Board of Adjustment is scheduled to meet the first Wednesday of each month. Please direct any questions to the Department of Development Services, Planning Office, City Hall, One Government Way, Somersworth, NH 03878, 692-9519.

ZBA APPLICATION FEES:

1. FILING FEE: \$75.00
2. ADVERTISING FEE: \$85.00 (for meeting notice in a newspaper of general circulation)
3. ABUTTER NOTIFICATION: Current USPS cost of certified mail with return receipt per direct abutter

Signature of owner (required to file application): _____
Date: _____

Signature of applicant (required to file application if applicant is different from owner): _____

Date: _____

APPLICATION FOR A VARIANCE

A variance is requested from Section: _____ or Table: _____ of the Zoning Ordinance to allow: _____

Facts supporting this request:

1. Explain how the proposal would not diminish surrounding property values:

2. Explain how granting the variance would not be contrary to the public interest:

3.A Explain how literal enforcement of the provisions of the ordinance would result in an unnecessary hardship owing to special conditions of the property that distinguish it from other properties in this area because:

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:

3.B If the criteria in 3.A are not established, please explain how an unnecessary hardship exists if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot reasonably be used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it:

4. Explain how granting the variance would do substantial justice:

5. Explain how the proposal is not contrary to the spirit of the ordinance:

VARIANCE CRITERIA GUIDELINES

<p>Statutory Requirements (RSA 674:33, I(b)) <i>APPLICANT MUST SATISFY ALL OF THE FOLLOWING</i></p>	<p>Explanation</p>
<p>1. The variance is not contrary to the public interest.</p>	<p>The proposed use must not conflict with the explicit or implicit purpose of the ordinance, and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure “public rights.”</p>
<p>2. The spirit of the ordinance is observed.</p>	<p>As it is in the public’s interest to uphold the spirit of the ordinance, these two criteria are related.</p>
<p>3. Substantial justice is done.</p>	<p>The benefit to the applicant should not be outweighed by harm to the general public.</p>
<p>4. The values of surrounding properties are not diminished.</p>	<p>Expert testimony on this question is not conclusive, but cannot be ignored. The board may also consider other evidence of the effect on property values, including personal knowledge of the members themselves.</p>
<p>5. Literal enforcement of the ordinance would result in unnecessary hardship. Unnecessary hardship can be shown in either of two ways:</p> <p>First is to show that because of special condition of the property that distinguish it from other properties in the area:</p> <p>(a) There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property; and</p> <p>(b) The proposed use is a reasonable one.</p> <p><i>Alternatively</i>, unnecessary hardship exists 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.</p>	<p>The applicant must establish that the property is burdened by the zoning restriction in a manner that is distinct from other land in the area.</p> <p>(a) Determine the purpose of the zoning restriction in question. The applicant must establish that, because of the special conditions of the property, the restriction, as applied to the property, does not serve that purpose in a “fair and substantial” way.</p> <p>(b) The applicant must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood.</p> <p><i>Alternatively</i>, the applicant can satisfy the unnecessary hardship requirement by establishing that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.</p>

LIST OF ABUTTERS FOR

Project location: _____

Owner name, address (including City, State and ZIP Code) and phone number: _____

List the names, mailing addresses, and map and lot numbers of the owner(s) of record of all abutters, including persons whose property is separated from the property in question by a street or stream. Please attach additional pages if necessary.

Map	Lot	Owner Name	Mailing Address	Indirect/Direct

Please list any other parties affiliated with the application that are not abutters, such as engineers, surveyors, attorneys, etc.

Name	Affiliation	Mailing Address

I, the undersigned, acknowledge that it is the responsibility of the applicant or his/her agent to fill out this form completely and submit to the Department of Development Services by the application deadline. I certify that the names and addresses listed above have been verified against the City of Somersworth's ASSESSPRO database on _____(date).

Applicant or Agent signature: _____