



**Town of Northfield
APPLICATION FOR A VARIANCE**

What is a Variance? A **variance** is an authorization to use your property in a way that is not permitted under the strict terms of the zoning ordinance. Under state law the ZBA may grant a variance if the applicant shows that the proposal meets five criteria established by the state.

APPLICANT INFORMATION

Name _____

Applicant's Address _____

Tel. # _____ Email address _____

PROPERTY OWNER Same as Applicant Yes No

Name _____

Applicant's Address _____

Tel. # _____ Email address _____

PROPERTY INFORMATION

911 address: _____

Tax Map and Lot Number: _____ Size: _____ acres

Zoning District (Circle all that apply) R1 R2 Comm/Ind Conservation Ground Water Protection

Is the property in the Groundwater Protection District Yes No

Please attach a sketch of your property showing property lines, measurement of the lot, all roads, rights of way and easements, foot print of existing and proposed construction, distance from proposed construction to the property lines and areal map showing abutting structures and property lines

PROJECT INFORMATION

Please describe your project: _____

What is the property used for now?

- The property is currently vacant Business
- Single Family Home Residence and Business
- Multi Family Home Agricultural

Are you proposing that the use of the property be changed?

- No, we are not seeking to change the use of the property _____
- Yes, if approved this construction will change the use of the property:
 - We want to build on vacant land
 - We want to add a new residence
 - We want to add a business use

Setbacks	Existing	Proposed
How far back is the construction from the front property line	_____ ft	_____ ft.
How far back is the construction from the rear property line	_____ ft	_____ ft.
How far back is the construction from the side property line	_____ ft	_____ ft.
How far back is the construction from the side property line	_____ ft	_____ ft.

I am requesting a variance from article _____ section _____ of the Zoning Ordinance. I believe that granting this variance is allowed under state law as it meets the criteria established by the state (please contact the assessor's office with any questions):

Criteria #1 Granting the variance would not be contrary to the public interest because:

Criteria #2 If the variance were granted, the spirit of the ordinance would be observed because:

Criteria #3 Granting the variance would do substantial justice because:

Criteria #4 If the variance were granted, the values of the surrounding properties would not be diminished because:

Criteria #5 Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship 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 because:

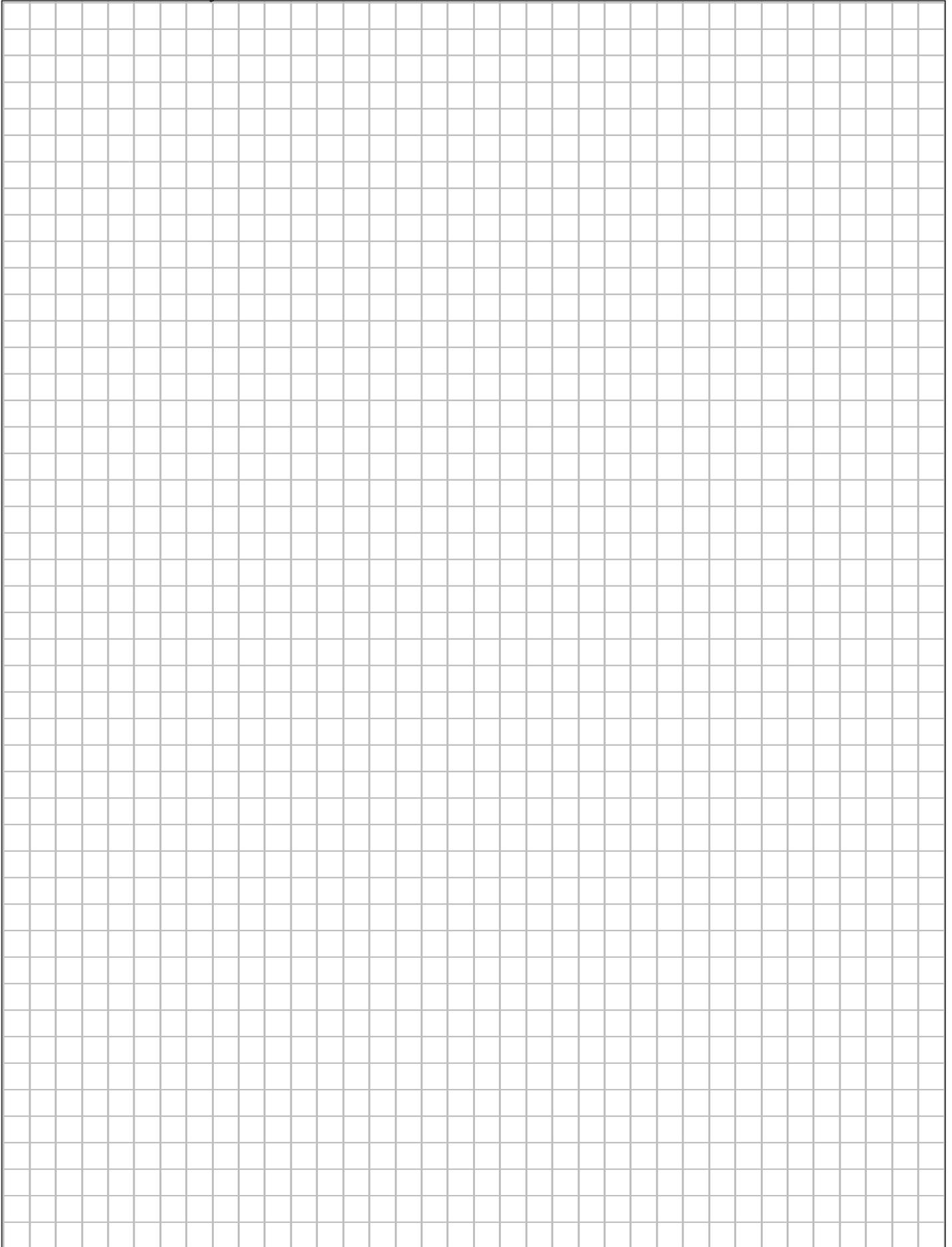
and

- ii. The proposed use is a reasonable one because: _____

or

Explain how, if the criteria in 5 i and ii 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.

Please use this sheet for your sketch



VARIANCE CRITERIA GUIDELINES

Statutory Requirements (RSA 674:33, I(b)) <i>APPLICANT MUST SATISFY <u>ALL</u> OF THE</i>	Explanation
1. The variance is not contrary to the public interest.	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.”
2. The spirit of the ordinance is observed.	As it is in the public’s interest to uphold the spirit of the ordinance, these two criteria are related.
3. Substantial justice is done.	The benefit to the applicant should not be outweighed by harm to the general public.
4. The values of surrounding properties are not diminished.	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>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>