

APPLICATION FOR A VARIANCE
ZONING BOARD OF ADJUSTMENT BRADFORD, NH 03221

APPLICATION RECEIVED DATE: _____

CASE NO. _____

NAME OF APPLICANT: _____

MAILING ADDRESS: _____

TELEPHONE NUMBER: _____

PROPERTY OWNER: _____

(If same as applicant, enter "same")

LOCATION OF PROPERTY: _____

TAX MAP NUMBER: _____ LOT NUMBER: _____

Variance: If you want to do something which does not conform to Bradford's Zoning Ordinances you can demonstrate that there are special circumstances of the property that distinguish it from other properties similarly zoned, and may apply for a variance.

Complete the following sections with as much information as possible. Please use ink or complete electronically. Initial and date each page; sign and date the application in the spaces provided. This application will not be considered unless all required statements have been made. The applicant bears the burden of proof for a variance.

THE ZONING BOARD WILL NOT ACCEPT INCOMPLETE OR LATE APPLICATIONS

Additional information may be supplied on separate sheets if the space provided is inadequate. Applications shall be acceptable only when presented to the Clerk of the Board at the beginning of any regularly scheduled meeting. ONE ORIGINAL AND SIX (6) COPIES OF THE COMPLETED APPLICATION SHALL BE PRESENTED TO THE CLERK. If you have any questions and/or require assistance, attend a regularly scheduled Zoning Board of Adjustment meeting for consultation.

Applicant is fully responsible for researching and knowing all laws which may be applicable and affect the outcome of the Board's decision on the application request. It is important that you read and understand Attachment 1 of this application. The applicant, or an authorized agent or attorney, must appear at the Public Hearing for the Board to take action on the application. The application will be terminated or tabled for failure to appear at a scheduled meeting. If an agent or attorney is designated to represent this application, the applicant must submit a signed Letter of Authorization.

Pay close attention when making the Abutter's List. An abutter is any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration. **YOU ARE RESPONSIBLE FOR OBTAINING THE CORRECT OWNER AND MAILING INFORMATION FOR THIS LIST FROM THE TOWN TAX OFFICE.** This information is necessary to properly notify all interested parties with certified notices. Failure to provide complete or correct information on abutters will result in the application being returned and may delay the scheduling of your hearing.

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Attach a copy of any Administrative Decision, if applicable; for example, a denied Building Permit.

APPLICATION FEES

All fees shall be paid before a public hearing can be noticed.

Administrative Fee **\$100**

REQUIRED NOTICES: CERTIFICATE OF MAILING TO: *Applicant, Abutters, Engineers, Easement Holders, etc.* \$15 FOR EACH NOTICE. NUMBER OF NOTICES X \$15 = _____

TOTAL FEES _____

Check payable to Town of Bradford.

ZBA Use Only

Comments have been solicited from the Selectmen _____, Conservation Commission _____,
Road Agent __, Police Chief __, Fire Chief __, and Planning Board __ as appropriate.

DATE: _____

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New Hampshire state law requires that a number of Variance Criteria be considered before granting a variance. In order for a variance to be granted, each of these criteria must be carefully and thoroughly considered by the Zoning Board.

A variance is requested from Article ____, Section ____ of the Town of Bradford Zoning Ordinance.

What is proposed? Attach sketches, plot plans, pictures, construction plans, or other relevant documentation that explain the proposed use. Include copies of any prior applications concerning the property.

Describe the property. Give area, frontage, side and rear lines, slopes, natural features, etc. Attach survey plan, plot plan, etc.

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The Zoning Board must determine that the variance request satisfies the following 5 criteria. ***Please note that all criteria must be satisfied in order for a variance to be granted.*** Please provide a written response along with any other supporting documentation for each of the following criteria. ***Use a full page for each criteria.*** Attach additional pages if necessary. Failure to satisfactorily prove any single criteria will result in denial of the application.

Please use one page per criteria. Please explain how and/or why:

- 1. The variance will not be contrary to the public interest because;**
For a variance to be contrary to the public interest, the proposal has to conflict with the ordinance so much that it violates the ordinance's basic zoning objectives. For instance:
Will the proposal alter the essential character of the neighborhood?
Will it threaten the public's health, safety or welfare?
- 2. If the variance were granted, the spirit of the Bradford Zoning Ordinance would be observed because;**
It is in the public's interest to uphold the spirit of the ordinance, this criteria is often linked to the first.
Explain how the request will uphold the spirit and goals of the town's zoning laws.
- 3. The proposal would result in substantial justice being done because;**
It must be demonstrated that any loss suffered by the general public would be so minimal that it is outweighed by the gain to the applicant. A test for this would be to demonstrate that the proposal is consistent with current uses in the area.
- 4. If the variance were granted, the value of surrounding properties will not be diminished because;**
Meeting this condition seems fairly obvious, but there are many factors that can influence property values.
It must be demonstrated that the proposal will have no negative impact on the value of neighboring properties.
- 5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship:**
 - a) Explain any special conditions of this property that distinguish it from other properties in the area.
 - b) Explain how this property is different in a meaningful way from other properties in the area.
 - c) Explain how this property is burdened more severely than others by the zoning restrictions.
 - d) Given the special conditions of this property, explain how the proposed use is a reasonable one.

The Applicant has the burden of proof. Applicants should be prepared to present information pertinent to the variance being requested. To obtain a legally granted variance, you must demonstrate/prove that the proposal satisfies **all five** of the variance criteria.

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Certification:

I hereby certify that;

_____ I have read and understand the instructions for completing the application for a variance.

_____ I have completed this application as completely and fully as possible.

_____ I have attached all evidence including sketches that I intend to discuss at the Public Hearing on this application.

_____ I understand that if this application is incomplete, it will be returned within a reasonable time following its submission and that this may delay the scheduling of the Public Hearing.

_____ I understand that I must appear in person at the Public Hearing to present and discuss this application. If I cannot appear in person, I will notify the Chair of the ZBA, in writing, designating the individual who will appear for me.

_____ The ZBA has permission to enter this property in order to conduct scheduled site walks upon reasonable prior notice.

_____ My application for a variance and supporting information is honest and truthful to the best of my knowledge.

Applicant signature: _____ Date: _____

Excerpt from NH Zoning Law – Variances Section 674:33 Powers of Zoning Board of Adjustment

I. The zoning board of adjustment shall have the power to:

... Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

(1) The variance will not be contrary to the public interest;

(2) The spirit of the ordinance is observed;

(3) Substantial justice is done;

(4) The values of surrounding properties are not diminished; and

(5) Literal enforcement of the provisions of the ordinance would result in an 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.

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

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SAMPLE ABUTTER LIST

[illegible]

Complete Abutter List submitted with this Application

Applicant Initial/Date_____