



# Town of Tamworth New Hampshire

Variance Application

Check all applicable boxes.

**Property Owner(s) Information:**

Name(s): \_\_\_\_\_  
\_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Email: \_\_\_\_\_  
Telephone: (    ) \_\_\_\_\_

For Official Use:  
**TOWN CLERK RECEIVED STAMP**

**Property Location:**

Tax Map# / Lot#(s): \_\_\_\_\_ / \_\_\_\_\_  
\_\_\_\_\_ / \_\_\_\_\_  
\_\_\_\_\_ / \_\_\_\_\_

Street Address: \_\_\_\_\_

Purpose: \_\_\_\_\_

Approved

Denied

Chair: \_\_\_\_\_

Date: \_\_\_\_\_

**Agent:** I/We authorize the following individual to represent me/us before the Planning Board:

Name: \_\_\_\_\_ Email: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_ Telephone: (    ) \_\_\_\_\_

**Check One:**

**Floodplain Variance**

**Personal Wireless Service Facility Variance**

# **Town of Tamworth, NH**

## ***Variance Application***

**The ZBA shall hear and decide Administrative Appeals arising out of Zoning decisions, Special Exceptions, Variances and any other such duties as shall be required or prescribed by law.**

### **Procedures**

The Zoning Board of Adjustment shall conform to RSA 676 and the Ordinances of the Town of Tamworth.

1. Bylaws: The ZBA shall adopt rules governing its proceedings pursuant to the requirements of RSA 676:1.
2. Joint Meetings: The ZBA may hold joint meetings with the Planning Board, Board of Selectmen or any other Town board as provided in RSA 676:2.
3. Meetings and Hearings:
  - a. Meetings of the ZBA and public hearings of appeals being heard by the ZBA shall be held as required by the Bylaws of the ZBA. The concurring vote of three (3) members shall be necessary to decide in favor of any appeal or to reverse any action appealed for (RSA 674:13,1).
  - b. Notice of public hearing shall be given at least ten (10) days before the hearing date by certified mail to the Appellant and every abutter and by placing notice in the newspaper in general circulation to the town, as required by RSA 676:7, and also be provided to the Selectmen, Planning Board, Conservation Commission, and any other appropriate Board or Town Official.
  - c. It shall be the responsibility of the Appellant to submit a list of the abutters' names and addresses to the ZBA. All costs of such notice shall be borne by the persons submitting the request.
4. Notice of Decision: The ZBA shall issue final written decision in each appeal heard. The decisions shall state the reasons for approval or disapproval (RSA 676: 3,1). Notice of the ZBA's decision shall be placed in a newspaper of general circulation in the Town and to the Appellant, and in two (2) public places. Costs shall be borne by the Appellant.

**The ZBA may authorize a variance from the terms of the Town's Ordinances. To obtain a Variance, the ZBA must find all of the following:**

1. No decrease in the value of the surrounding properties would be suffered
2. Granting the Variance would not be contrary to the public interest
3. Denial of the Variance would result in an unnecessary hardship due to special conditions
4. By granting the Variance, substantial justice would be done
5. Granting the Variance will not be contrary to the spirit and intent of the ordinance

## **Town of Tamworth, NH** ***Variance Application***

**Public Hearing:** A Public Hearing is required for any Variance

***At least 14 days prior to a hearing, the applicant shall:***

- submit documentation authorizing their action on behalf of the land owner(s). All owners of record must be represented.
- provide written reasons why the ZBA should grant a Variance to specific requirements of the ordinance, addressing all five areas outlined above.
- provide the ZBA with a site plan of the proposed project, as submitted to the Planning Board.
- provide a list of abutters, owner(s), applicant, any surveyor and/or engineer whose stamp is on the plans or any documents that are or will be submitted, any holder(s) of any easements or deed restrictions, with addresses. (This list becomes the total number of abutter notices.).
- include two (2) sets of address labels for the above list.
- submit to the Clerk all fees required for the processing of this application.
- agree to pay any and all professional fees for services that the ZBA requires in making a timely and informed decision (see fee scale).

**Description:** Attach a full description of the requested Variance, including attention to each of items 1-5 on page 2.

# Town of Tamworth, NH

## *Variance Application*

### Professional Support:

Indicate the name, profession, and telephone number of each individual who participated in preparing components of the application (attach extra sheets as necessary).

Name: \_\_\_\_\_ Profession: \_\_\_\_\_ ( ) \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_ Profession: \_\_\_\_\_ ( ) \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_ Profession: \_\_\_\_\_ ( ) \_\_\_\_\_

Address: \_\_\_\_\_

### LIST OF ABUTTERS AND PROFESSIONAL SUPPORT

Pursuant to RSA 676:7 of the State of New Hampshire, the Town of Tamworth is required to notify every abutter of the public hearing by certified mail, return receipt requested. The cost of required publication of said notice, and the cost of mailing said notice to abutters shall be paid by the applicant. It is the applicant's responsibility to provide a list of abutters, parties holding an interest in the property (Right of Way, Easement, Covenant), and any professional who has placed his or her seal on a plan that is being submitted (whether the plan was created for the current application or was created sometime before).

**ABUTTER** - "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board. RSA 672:3.

- Tax Map:** Attach a tax map showing the property and abutting lots.
- Notification List:** Provide a list of abutters and parties to be notified. For each name, include the Tax Map# / Lot# or reason for notification, name, and mailing address.
- Mailing labels:** Attach 2 mailing labels for each party to be notified.

**Town of Tamworth, NH**  
***Variance Application***

**Fees:** When submitting an application, the following fees must be included:

- |  |         |
|--|---------|
| (1) Application fee  | \$50.00 |
| (2) Advertisement fee (Conway Daily Sun)                             | \$45.00 |
| (3) Postage fees for ____ Abutters' certified notices @ \$10.00 each | = _____ |

Note: The cost of any consultants required by the Board to properly administer and enforce this Ordinance shall be borne by the applicant.

**Total Fee Due** \$\_\_\_\_\_

**Submission:** Five (5) copies of the completed application and plans (signed by owners) should be returned to the Tamworth Town Clerk. Attach additional sheets as necessary. Explain any omissions.

THIS APPLICATION IS PROVIDED AS A GUIDE. THE ORDINANCE IS LEGALLY BINDING. APPLICANTS ARE ADVISED TO READ, UNDERSTAND AND RELY ON THE ORDINANCE.

If you are signing for anyone other than yourself, you must submit one copy of the legal document authorizing you to do so.

**Endorsement:** (All property owners must sign.)

I/We hereby request that the Tamworth Zoning Board of Adjustment review this application for approval, including all plans, documents, and information herewith. I/we represent to the best of my/our knowledge and belief, this request is being submitted in accordance with the regulations of the Town of Tamworth, NH.

_____	_____
_____	_____
Signature(s) of Property Owner(s)	Date