



Town of Tamworth New Hampshire Zoning Board of Adjustment

Application
for a
Variance

Check All Boxes That Apply

Items already checked are required.

Property Owner(s) Information:

Name(s): _____

Address: _____

City, State, Zip: _____

Email: _____

Telephone: () _____

Property Location:

Tax Map# / Lot#(s): _____/_____

_____/_____

_____/_____

Street Address: _____

For Official Use: TOWN CLERK RECEIVED STAMP
Purpose: _____
<input type="checkbox"/> Approved
<input type="checkbox"/> Denied
Chair: _____
Date: _____

Application for a Variance

A variance is requested from article _____ section _____ of the zoning ordinance
_____ to permit _____

Facts in support of granting the variance:

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

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

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3. Granting the variance would do substantial justice because:

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

5. Unnecessary Hardship

a. 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:

b. Explain how, 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.

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- Public Hearing: A Public Hearing is required for any Variance.
- Notification List: Provide a list of parties to be notified. Include the applicant, all abutters, the planning board, town clerk, and other interested parties. For each name, provide the Tax Map# / Lot#, or reason for notification, name, and mailing address.
- Mailing labels: Attach 3 mailing labels for each party to be notified.
- Tax Map: Attach a tax map showing the property and abutting lots.
- Fees: When submitting an application, the following fees must be included:

(1) Application fee	\$100.00
(2) Advertisement fee (Conway Daily Sun)	\$130.00
(3) Postage fees for _____ Abutters' certified notices @ \$12.00 each	_____

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

Total Fee Due (Payable to "Town of Tamworth") \$_____

- Submission: Two (2) copies of this completed application, the original project application, a full description of the requested Variance, and site plans (signed by owners) must be returned to the Tamworth Town Clerk. Attach extra sheets as necessary. A digital copy, with all attachments, shall be emailed to zba@tamworthnh.org.

- Agent: I/We authorize the following individual to represent me/us before the Zoning Board of Adjustment:

Name: _____ Email: _____
Address: _____
City, State, Zip: _____ Telephone: () _____

- Professional Support: Indicate the name, profession, and telephone number of each individual who participated in preparing components of the application.

Name: _____ Profession: _____ () _____
Address: _____
Name: _____ Profession: _____ () _____
Address: _____
Name: _____ Profession: _____ () _____
Address: _____

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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

This application is provided as a guide. The ordinances are legally binding. Applicants are advised to read, understand and rely on the ordinance.

NOTE: This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

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PROCEDURE:

Under RSA 674:33, the Zoning Board of Adjustment may authorize a variance from the terms of the zoning ordinance, upon appeal in specific cases. A variance is a waiver of any provision of the zoning ordinance authorizing the landowner to use his or her land in a manner that would otherwise violate the ordinance. "Variances are included in a zoning ordinance to prevent the ordinance from becoming confiscatory or unduly oppressive as applied to individual properties uniquely situated." The board of adjustment may grant variances, where justified, but cannot amend the zoning ordinance and map.

The ZBA must examine each specific case individually, and find that all five of the following conditions are met:

- (A) The variance will not be contrary to the public interest;
- (B) The spirit of the ordinance is observed;
- (C) Substantial justice is done;
- (D) The values of surrounding properties are not diminished; and
- (E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

Applications for variances are reviewed during public hearings, conducted following the Rules of Procedure adopted by the ZBA.

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.