

APPLICATION FOR A USE VARIANCE

To: Board of Adjustment,
Town of **RICHMOND**

Do not write in this space: Case No: _____ Date filed: _____ _____ (signed – ZBA)

Name of applicant _____
 Address _____
 Owner _____
 Telephone _____ Email address _____
 (if same as applicant, write "same")

Location of property _____
 (street, number, sub-division & lot number)
 Tax Map/Lot No.: _____ Lot Size: _____ Zoning District: _____

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.

APPLICATION FOR A VARIANCE (Zoning Ordinance 1006 Variances)

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

Facts supporting this request:

1106.1- Granting the variance would not be contrary to the public interest because:

A variance is contrary to the public interest if it's violated "basic zoning objectives" by, for example, altering the character of the neighborhood or threatening public health, safety, or welfare. Would granting the variance would unduly, and in marked degree, conflict with the ordinance such that it violates the ordinance's basic zoning objectives? Would the result of granting the variance would be to violate the ordinance's basic zoning objectives. IN addition, it is no longer relevant for the ZBA to consider whether the applicant could achieve the same results by another means that conforms to the ordinance without the need for the variance.

1106.2-The use is not contrary to the spirit of the ordinance because:

The intent of the ordinance is to promote health, safety and welfare, and to reserve the values and character of the Town: consider whether the variance is inconsistent with the goals.

1106.3- Granting the variance would do substantial justice because:

This requires a balancing test: a loss to the landowner that is not out weighted by a gain to the general public is and injustice. The Board should identify the loss the landowner would suffer if the variance is denied and weigh it against the interest of the public. In other words, any loss to the individual that is not outweighed by a gain to the general public is an injustice.

1106.4- The proposed use would not diminish surrounding property values because:

Evidence from an appraiser or realtor could be relevant though can be considered inaccurate: the Board can also rely on its knowledge of the area.

1106.5- Denial of the variance would result in unnecessary hardship to the owner because:

The unique features or special conditions should be identified:

1106.5.1.1- that no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property because:

Consider the purpose of the zoning restriction and whether applying it to the specific property serves the purpose of the Zoning Ordinance.

1106.5.1.2 - the proposed use is a reasonable one.

Owing to special conditions that distinguish the property from others in the area, "the property cannot reasonably be used in strict conformance with the ordinance, " and a variance is necessary for it's reasonable use.

1106.5.1.3-. the zoning restriction as applied to the property interferes with the reasonable use of the property, considering the unique setting of the property in its environment such that:

The conditions are such due to natural sloping, ledge, boundary lines and etc. that the proposed location is a sensible request for the reasonable use of the property.

Applicant _____ Date _____
(Signature)

See **RSA chapter 677** for more detail on rehearing and appeal procedures. Reference materials are available at the Richmond Town Hall or on line at www.gencourt.state.nh.us/rsa

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