NEW DURHAM ZONING BOARD OF ADJUSTMENT
VARIANCE APPLICATION

Case No. _____
Date Filed _____

Name of Applicant:

_____

Applicant's Street Address with town and state:

_____

Mailing Address (If different)

_____

Preferred Telephone Number _____ Email_____

Property Owner: _____
(If same as Applicant, write same)

Property Owner Contact Information:

_____
(If same as Applicant, write same)

Street Address of property: _____

Map _____ Lot _____

The applicant(s) wishes to *(be very specific)*:

_____

_____

Which Zoning District is the property located in?

☐ Town Center Mixed Use ☐ Residential, Agricultural, Recreational

Check all Overlay Districts that Cover Any Part of the Property:

- ☐ Aquifer Protection Overlay
- ☐ Conservation Focus Area District
- ☐ Shore Front Conservation Area
- ☐ Steep Slopes Conservation District
- ☐ Water Quality Protection
- ☐ Wetlands Conservation Overlay

INSTRUCTIONS FOR INDIVIDUALS APPEALING TO THE ZONING BOARD OF ADJUSTMENT for a VARIANCE

Applicants must be familiar with the latest revision of the New Durham Zoning Ordinance and the Procedural Rules for the Town of New Durham Zoning Board of Adjustment. Applicants should be familiar with New Hampshire Statutes RSA Chapters 672 – 677.

ALL APPLICANTS

- Speak with the Land Use Administrative Assistant to determine if a review by the Planning Board should be completed prior to appealing to the Zoning Board of Adjustment.
- Ensure all requirements are met by using the appropriate checklist.
- Be sure the application is signed by **ALL** property owners.
- Deliver completed application, attachments, and fees (checks payable to Town of New Durham) to the Land Use office at the Town Hall at least 21 days before the next scheduled ZBA meeting.
- If additional materials are submitted by the applicant or their representative after the deadline the ZBA may decide to continue the case to a later date.
- A Public Hearing will be scheduled within 45 days of receiving a completed application.
- Any party affected by a decision has the right to appeal such decision by requesting a rehearing.

VARIANCE

A Variance is an authorization granted under special circumstances to use a property in a way that is not permitted under strict terms of the Zoning Ordinance. For a Variance to be legally granted, the Applicant must show that the proposal meets <u>all</u> five of the conditions set forth by the RSAs and listed in the application.

REQUESTING A REHEARING

A motion for rehearing may be in the form of a letter to the Zoning Board of Adjustment and must set forth the reason the decision is believed to be unlawful or unreasonable. The motion must be made within 30 days of the decision being filed and available for public inspection.

The Zoning Board of Adjustment may grant a requested rehearing if it believes good reason is stated in the motion for rehearing. A case will not be reopened on the same set of facts unless an injustice would be created by not doing so. A rehearing must be requested prior to appealing to the courts. Rehearings follow the same Rules of Procedure as initial hearings.

Usual Costs

Administrative Fee	$200.00
Appeal from Administrative Decision Application Fee	$150.00
Application Fee per Variance Request	$ 75.00
Public Notice in Newspaper	$150.00 to $300.00

Public Notice to ALL Abutters, Applicant(s), Applicant(s) Representative, Identified Professionals Involved with the Property and Holders of Easements via Certified Mail: $15.44 per Public Notice.

ZBA Decision sent to Applicant(s), Applicant(s) Representative and Strafford County Registry of Deeds via Certified Mail: $15.98 per Notice

Strafford County Registry of Deeds Registration of Notice of Decision:

1 to 2 Variances: $16.82	3-4 Variances: $25.11	5 Variances: $29.11
6 to 7 Variances: $37.98	8 Variances: $45.98	9-10 Variances: $54.27

11 or more variances add $4 per page plus postage.

COMPLETE THE FOLLOWING TABLE

	ORDINANCE REQUIREMT.	CURRENT	PROPOSED
Size of Property – Acres [1]	1.37		
Size of Property - Square Footage [1]	60,000		
Amt. of Road Frontage (In Feet.)	150		
Amt. of Water Frontage (In Feet.)	150		
Length of Right Side (In Feet)	N/A		
Length of Left Side (In Feet.)	N/A		
Amt of Impervious Coverage (Percent)	20%		
Amt of Impervious Coverage (Square Footage)	N/A		
Total Amt of ALL Building Coverage (Percent) Include Rooflines and Overhangs.	15%		
Total Amt. of ALL Building Coverage (Square Footage) Include Rooflines and Overhangs.	N/A		
Square Footage: Deck	N/A		
Square Footage Garage (Include Rooflines and Overhangs.)	N/A		
Square Footage: Shed(s) (Include Rooflines and Overhangs.)	N/A		
Square Footage: Other Buildings (Also Identify What the Building is and Include Rooflines and Overhangs.)	N/A		
Percentage of Buildings Within the 50-foot Setback from Water	0%		
Percentage of Buildings Between the 50-Foot Setback and the 75-Foot Setback from Water	0%		
Building Height: House	35		
Building Height: Garage	35		
Building Height: Shed(s)	35		
Building Height: Other Buildings (Also Identify What the Building is)	35		
Total Number of Rooms	N/A		
Total Number of Bedrooms	N/A		
Building(s) Setback to Road	20 ft		
Building(s) Setback to High Water Mark	75 ft		
Building's Setback to all Lakes, Ponds, Intermittent and Perennial Streams, Rivers and or Vernal Ponds	75 ft		
Building(s) Setback to Right Side	15 ft		
Building(s) Setback to Left Side	15 ft		
Year Septic System Installed	N/A		
DES Permit on File in New Durham	N/A		
Number of Bedrooms Septic System is Approved For	N/A		
Septic Tank to High Water Mark	125 ft		
Septic Tank to Lakes, Ponds, Intermittent and Perennial Streams, Rivers and or Vernal Ponds	125 ft		
Septic Tank to Right Property Line	10 ft.		

Septic Tank to Left Property Line	10 ft.		
Septic Tank to Road	20 ft.		
Septic Tank to Abutter's House	75 feet		
Septic Tank to Neighbor's Well on Right	75 ft		
Septic Tank to Neighbor's Well on Left	75 ft		
Leach Field to High Water Mark	125 ft		
Leach Field to all Lakes, Ponds, Intermittent and Perennial Streams, Rivers and or Vernal Ponds	125 ft		
Leach Field to Right Property Line	10ft/20 ft^2		
Leach Field to Left Property Line	10ft/20 ft^2		
Leach Field to Road	10ft/20 ft^2		
Leach Field to Neighbor's Well on Right	75 ft		
Leach Field to Neighbor's Well on Left	75 ft		
Steep Slopes: Amount of Disturbance (in Feet) 0 to 14.99%	N/A		
Steep Slopes: Amount of Disturbance (in Feet) 15 to 24.99%	N/A		
Steep Slopes: Amount of Disturbance (in Feet) 25 to 29.99%	N/A		
Steep Slopes: Amount of Disturbance (in Feet) 30% or More	N/A		

1. Minimum lot size is dependent on soil type.
2. 10 ft, if non-conforming lot; 20 ft if less than 80,000sq. ft; 30 ft. if 80,000 to 150,000 sq, ft; 40 ft if 150,000sq ft.

A Variance is requested from Article _____Section_____ of the Zoning Ordinance.
Facts supporting this request:

1. The Variance will not be contrary to the public interest because:

_____

_____

_____

2. The spirit of the Zoning Ordinance is observed because:

_____

_____

_____

3. By granting the Variance, substantial justice will be done because:

_____

_____

_____

4. The request will not diminish the value of surrounding properties because:

_____

_____

NOTE: Please complete EITHER paragraph 5A OR paragraph 5B. Staff recommends that you complete paragraph 5B only if you feel you cannot meet the requirements set forth in paragraph 5A.

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.

   The following special conditions of the property distinguish it from other properties in the area:

   _____

   _____

   _____

   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: _____

   _____

   _____

   The proposed use is a reasonable one because: _____

   _____

   _____

   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 because:

   _____

   _____

   _____

   C. Are you requesting a variance without finding a hardship arising due to the condition of the property and the need for reasonable accommodations so as to allow a person or persons with a recognized

physical disability to reside in or regularly use the premises? Yes ____ No ____ If yes, please explain why.

_____

_____

CERTIFICATION of APPLICATION and AGREEMENT TO PAY ALL COSTS

I/We, the undersigned Applicant(s), hereby certify that the information contained within this Variance Application is complete and accurate. I/We agree to pay, in full, all costs incurred by the Town of New Durham for engineering and or other professional services deemed necessary by the ZBA to obtain third party review and consultation during the review process.

Signature of Applicant(s) or Applicant's Representative (s):

_____

Printed Name of Applicant(s) or Applicant's Representative (s)Representative(s):

_____

Date: _____

AUTHORIZATION to ENTER SUBJECT PROPERTY

I/We, and my successors, hereby authorize members of the New Durham Zoning Board of Adjustment, Building Inspector and or Code Enforcement Officer to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner(s): _____

Printed Name of Property Owner(s): _____

Date: _____

AUTHORIZATION to SERVE AS APPLICANT(S) REPRESENTATIVE

I/We _____ give _____ permission to serve as our representative and to represent us before the New Durham Zoning Board of Adjustment in reference to the attached application. Our agent may present our case and answer any questions for the Board or the public.

Signature of Applicant(s): _____

Printed Name of Applicant(s): _____

Date: _____

PUBLIC NOTICE LIST

Please list all abutters on this form. List names and mailing address of all abutters or the holders of conservation, preservation or agricultural easements (pursuant to RSA 676:7). Include street numbers, street names and zip codes; Tax Map and Lots numbers (taken from the town tax records). This list is to be submitted with the application. Include abutters across the street, brook or stream on any lot line.

Map _____ Lot _____
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Map _____Lot _____
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Map _____ Lot _____
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Map _____Lot _____
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Add additional pages if needed.

Application Check List for a Variance

Each application for a hearing before the Board shall be made on forms prescribed by the Board and contain all the information required below:

- ☐ The application shall be received at least 21 days before the next regularly schedule ZBA meeting.
- ☐ The LUAA, other town employee or official shall record the date of receipt.
- ☐ A completed application form that is signed and dated by the applicant(s) or their representative(s).
- ☐ A completed "Complete the Following Table".
- ☐ A copy of the Building Inspector's "Certification of Zoning Compliance"
- ☐ A form signed by all property owners authorizing their representative(s) to act on their behalf if an applicant's representative(s) signs the application or if the representative will be presenting the case before the Board.
- ☐ All required fees.
- ☐ A copy of the current Assessing Card.
- ☐ A copy of the current Deed.
- ☐ A list of all abutters adjacent to the land or property, directly across the street or stream from the land or property under considerations including Map, Lot and mailing addresses
- ☐ A list of any holder of a conservation, preservation, or agricultural preservation restriction, as defined in RSA 477:45, and their mailing address.
- ☐ Full size (minimum 22 inches by 34 inches) existing and proposed site plans with a bar scale of one (1) inch = 10 feet.
- ☐ Reduced sized (11 inches by 17 inches) site plan.
- ☐ Architectural plans depicting the proposed condition shall also include the existing condition as an underlying, shaded layer.
- ☐ Existing and proposed plans shall contain, at a minimum:
  - ☐ Locus Map with north arrow.
  - ☐ All buildings on the subject property and adjacent properties.
  - ☐ Property lines.
  - ☐ Title Block containing:
    - Map and Lot.
    - Preparer of the plans.
    - Title of the preparer of the plans.
    - Date (Month/day/year) the plans were originally prepared; and
    - Date (Month/day/year) of all plan revisions.
  - ☐ Shoreland reference lines including but not limited to 50, 75, 125, 150 and 300 feet.
  - ☐ Rights of Way and easements to include dimensions.
  - ☐ Wells and water systems.
  - ☐ Building envelope.
  - ☐ Location of wells and septic systems for all adjacent properties.
  - ☐ Amount of road frontage, in feet.
  - ☐ Amount of water frontage, in feet, if applicable.
  - ☐ Graveyard setbacks:
  - ☐ All existing buildings or other structures with their dimensions and encroachments indicating "current" on the plans.

- ☐ All proposed buildings, structures or additions with dimensions and encroachments indicating "proposed" on the plan.
- ☐ Elevations and contours.
- ☐ Dimensions and location of all driveways.
- ☐ Hardscape and its material.
- ☐ Driveways.
- ☐ Walkways.
- ☐ Patios.
- ☐ Roadways.
- ☐ Walls; and
- ☐ Fences.
- ☐ Water Bodies and Wetlands.
- ☐ Drainage ways and related structures.
- ☐ Waterfront Buffer, as defined in RSA 483-B.
- ☐ Tree line and individual large and or important site trees showing the changes in vegetative surfaces and resulting runoff.
- ☐ General vegetation areas and groundcovers.
- ☐ Septic tank, lines and leach field to include dimensions.
- ☐ All utilities, to include telephone, cable, fiber, conduit, etc., regardless of being underground, above ground or overhead.

☐ Photographs of the property and all buildings on the property.

☐ Building and floor plans to include dimensions of any new structures, if applicable.

☐ Building elevations from all sides, if applicable.

☐ Legal size (no. 10) envelopes with a return address of New Durham ZBA, PO Box 207, New Durham, NH and certified mail documents as pictured in Appendix A addressed to:

- All abutters, as defined by RSA 672:3;
- Any holder of a conservation, preservation, or agricultural preservation restriction, as defined in RSA 477:45;
- Identified professionals involved with the application (two envelopes and Certified Mail with Return Receipt addressed for each professional);
- Two envelopes and Certified Mail with Return Receipt addressed to all property owners (multiple envelopes for each property owner if not at the same mailing address); and
- Certified Mail with Return Receipt envelope addressed to Strafford County Registry of Deeds.

☐ Any other materials the applicant(s) feels are relevant to their request, such as other supporting documents which may contain pertinent property details/history.

☐ Sufficient copies of all materials submitted for each ZBA member and alternate member (currently 8).

☐ Electronic copy of all materials submitted.