

**TOWN OF WALPOLE NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT**

APPEAL FOR VARIANCE

INSTRUCTIONS

PLEASE READ CAREFULLY BEFORE FILLING OUT THE ATTACHED APPLICATION
APPLICATION FEE: \$150.00 PLUS \$8.00 FOR EACH ABUTTER

If you have questions or difficulties in filling out the application please contact:
the ZBA secretary, Marilou Blaine at 603-904-4094 mariloublaine@comcast.net OR
the ZBA chairperson, Jan LeClerc at 603-756-3091 jan.leclerc@gmail.com

The Board strongly recommends that, before making any appeal, you become familiar with the Walpole Zoning Ordinance and also the New Hampshire Revised Statutes, Chapter 674:33. You can find the Walpole Zoning Ordinance online on the town website:

https://www.walpolenh.us/uploads/1/0/6/8/106872773/2022-zoning_ordinance_2022-05-20.pdf

and the New Hampshire Revised Statutes online:

<http://www.gencourt.state.nh.us/rsa/html/lxiv/674/674-33.htm>

***Definition:** A variance is an authorization, which can only be granted under special circumstances, to use your property in a way that is not permitted under the strict terms of the zoning ordinance. In several decisions from 1952 to the present, the New Hampshire Supreme Court has declared that for a variance to be legally granted, you must show that your proposed use meets **ALL FIVE** of the following conditions:*

1. Granting the variance would not be contrary to the public interest.
2. If the variance were granted, the spirit of the ordinance would be observed.
3. Granting the variance would do substantial justice.
4. Granting the variance will not diminish the values of the surrounding properties.
5. 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.

The completed application, all required attachments and supporting documentation, and a check payable to Town of Walpole for \$150.00 plus \$8.00 for each abutter and applicant, must be delivered to the Board secretary or to the Selectboard's office for the transmission to the Zoning Board of Adjustment. If the application is not properly completed, or is incomplete, it will be returned to you for correction. This will likely delay your hearing

Public notice of the hearing will be posted at least five days before the date of the hearing in at least two public places, printed in a locally circulated newspaper and will be mailed to you and to all abutters and other parties whom the Board may deem to have an interest.

You must appear in person, or by agent or counsel, at the hearing to present your documentation and to state your reasons why the appeal should be granted.

Be prepared to make a presentation to the Board and to the public.

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APPEAL FOR VARIANCE

APPLICATION

NOTE: This application will not be considered complete, nor be accepted, unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

The undersigned hereby applies to the Zoning Board of Adjustment for an Appeal For Variance in accordance with the provisions of the New Hampshire Revised Statutes Annotated 674:33.

Date _____

Name of Applicant _____

Mailing Address _____

Name of Owner _____

Mailing Address _____

Property's Physical Location: E911 Address _____

Map and Lot Number _____

Zoning District _____

Dimensions Front _____ Rear _____ Side _____ Side _____

Width at Building Line _____

Present Use

Proposed Use

Please attach drawings, plot plans, a rough sketch of the property, photos and other data that will better explain your proposed action. The minimum plot plan size of 22" X 34" will help ensure that the plan can be seen by the Board *and* the public during your presentation.

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Appeal For Variance

5. Unnecessary **Hardship**

- a. Owing to the special conditions of the property that distinguish it from the 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 specific application of the 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.

Applicant _____ Date _____
(Signature)

**TOWN OF WALPOLE NEW HAMPSHIRE
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Appeal For Variance

LIST OF ABUTTERS AND NOTIFICATION

<u>Name</u>	<u>Mailing Address</u>	<u>Map and Lot Number</u>
1.(Applicant)	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____
15.	_____	_____
16.	_____	_____
17.	_____	_____
18.	_____	_____
19.	_____	_____
20.	_____	_____

NAMES AND ADDRESSES OF HOLDERS OF CONSERVATION, PRESERVATION OR
AGRICULTURAL PRESERVATION EASEMENTS, SURVEYOR
