

**APPEAL FOR VARIANCE
TOWN OF WALPOLE
ZONING BOARD OF ADJUSTMENT**

INSTRUCTIONS TO APPLICANTS APPEALING TO THE BOARD OF ADJUSTMENT

IMPORTANT: READ CAREFULLY BEFORE FILLING OUT ATTACHED APPLICATION

APPLICATION FEE: \$150.00 PLUS \$8.00 FOR EACH ABUTTER

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

The Board strongly recommends that, before making any appeal, you become familiar with the Walpole Zoning Ordinance, and also with the New Hampshire Statutes TITLE LXIV:RSA Chapters 672-677, covering planning and zoning.

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. The proposed use would not diminish surrounding property values.
2. Granting the variance would be of benefit to the public interest.
3. Denial of the variance would result in unnecessary hardship to the owner. Hardship as the term applies to zoning, results if a restriction, when applied to a particular property that distinguish it from other properties under similar zoning restrictions. Hardship, under zoning law, has nothing to do with the physical or economic condition of the owner. It must be the property itself.
4. Granting the variance would do substantial justice.
5. The proposed use would not be contrary to the spirit of the ordinance.

Note: For any appeal, the application must be properly filled out. The application form is intended to be self-explanatory, but be sure you answer all questions and that you show:

1. Who owns the property. If the applicant is not the owner, this must be explained, and the owner's authorization obtained.
2. Where is the property located? Indicate both E-911 address and Map and Lot numbers.
3. Description of the property. Give area, frontage, side and rear lines, slopes and natural features, etc.
4. What you propose to do. Attach sketches, plot plans, photographs, construction plans or anything that may help explain the proposed use. Provide a visual drawing and/or map to display that accurately describes the proposal. It should be a minimum of 22 inches by 34 inches and should include surrounding areas.
5. Why your proposed use requires an appeal to the Board of Adjustment.
6. Why the appeal should be granted.
7. Be prepared to make a presentation to the Board and the public.
8. Attach a complete list of all abutting property owners, as well as the applicant's name and address, the surveyor, holders of conservation preservation or agricultural preservation easements. An 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. RSA 672:3

Deliver the complete application, with all attachments, to the Selectman's office for the transmission to the Zoning Board of Adjustment or to the Board Secretary, with a check in the amount of \$150.00 plus \$8.00 for each abutter, payable to the Town of Walpole. If the application is not properly completed, it may be returned to you for proper completion.

Public notice of the hearing will be posted, and printed in a newspaper. The notice will be mailed to you and to all abutters and other parties whom the Board may deem to have an interest, at least five days before the date of the hearing. You must appear in person or by agent or counsel at the hearing to state your reasons why the appeal should be granted.

**TOWN OF WALPOLE
ZONING BOARD OF ADJUSTMENT**

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

Date _____

Name Applicant _____

Mailing Address _____

Name of Owner _____

Mailing Address _____

Property Location – E-911 Address: _____

Map and Lot Number (s) _____

Zoning District _____

Dimensions Front _____ Rear _____ Side _____ Side _____

Width at Building Line _____

Present Use _____

Proposed Use _____

Please attach drawings, plot plans, rough sketch of the property, photos or other data that will better explain your proposed action.

Variance Criteria A variance from Article _____ of the Walpole Zoning Ordinance is requested to permit (Give specific details of project)

The proposed use would not diminish surrounding property values because:

Granting the variance would be of benefit to the public interest.

Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property that distinguish it from other properties similarly zoned because:

Granting the variance would do substantial justice because:

The proposed use would not be contrary to the spirit of the ordinance because:

Affidavit; I certify that I am the owner or the authorized agent of the owner of the property upon which this appeal is sought and that all information I have provided is true, under penalty of law.

Signature of Owner or Authorized Agent

Date

Signature of Applicant, if different from Owner

Date

