



## **VARIANCE APPLICATION TO THE PELHAM ZONING BOARD OF ADJUSTMENT**

### Instructions to Apply:

1. If you are unable to meet the requirements of the Zoning Ordinance;  
  
Have been denied a building or occupancy permit; or,  
  
Required by the Zoning Ordinance to appear before the Board for review of your activity,  
  
Then you must file a written application.
2. Applications shall be completed and returned to the Planning Assistant in the Planning Department at the Pelham Town Hall
3. Applications are not considered filed until they have been reviewed by the staff and the appropriate fees have been received.

### **APPLICATION MUST INCLUDE:**

1. All forms completed and signed.
2. Letter of Intent stating specifically the reason for the Variance Request.
3. Original application form and Letter of Intent must be submitted with **11 COPIES** in order to process the application.

### **FEES: (3 SEPARATE CHECKS REQUIRED FOR BOOKKEEPING PURPOSES)**

- \$25      Application Filing Fee
- \$10      Per Abutter for notification via Certified Mail
- \$75      Advertising fee to cover the cost of publishing the Notice of Hearing and Notice of Decision. (Any monies not utilized for advertising will be refunded to the applicant.)

**\* All checks made payable to: TOWN OF PELHAM**

## **PLOT PLAN**

1. **11 COPIES REQUIRED OF PLOT PLAN – DRAWN TO SCALE** submitted with the application. Plans certified by a Registered Land Survey may be required.

Plot Plan to include:

- Building locations
- Proposed changes
- Distances to all lot lines from the buildings
- Location of well, septic tank and any other lot features.

## **OTHER SUPPORTING DOCUMENTATION**

1. Previous decisions made by the Board of Adjustment regarding this parcel of property.

## **LIST OF ABUTTERS**

1. Applicant must provide a list by Map and Lot of all abutters adjoining and within 200 feet of any part of the property in question.
2. Submit (3) three completed sets of mailing labels.

## **BOARD OF ADJUSTMENT SCHEDULE:**

1. Meets the second Monday of every month.
2. Application must be received **twenty-one (21) days prior** to the Board of Adjustment meeting in order to be placed on the agenda for that month.
3. Your abutters will be notified by certified mail ten (10) days prior to the public hearing date.
4. A site review may be made by the Board members prior to the meeting.
5. At the public hearing, the Board will hear testimony, receive evidence and approve/deny your request, or request additional information.
6. Once the decision is rendered, **THERE IS A 30 DAY APPEAL PERIOD. NO PERMITS WILL BE ISSUED WITHIN THIS PERIOD.**
7. If an appeal has been made regarding the decision made by the Board, the Board is required to decide whether there is adequate reason to rehear the case within ten (10) days after the thirty (30) day appeal period. If the request for rehearing is granted, no permits will be issued until the rehearing and the thirty (30) day appeal period is abided by.



## **APPLICATION TO BOARD OF ADJUSTMENT**

To: Board of Adjustment,  
Town of Pelham

Do not write in this space.

Case No. \_\_\_\_\_

Date filed \_\_\_\_\_

(signed - ZBA)

Name of applicant \_\_\_\_\_

Address \_\_\_\_\_

Owner \_\_\_\_\_

(if same as applicant, write "same")

Phone Number \_\_\_\_\_

Location of property \_\_\_\_\_

(street, number, sub-division & lot number)

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 VARIANCE**

A Variance is requested from Article: \_\_\_\_\_ Section: \_\_\_\_\_

of the Zoning Ordinance to permit: \_\_\_\_\_

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The following sections are for a variance application **ONLY**  
Facts supporting this request:

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

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2. The spirit of the ordinance is observed because:

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3. Substantial justice is done because:

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4. The values of surrounding properties are not diminished because:

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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 because: (Complete both “A” & “B”)

(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 purpose of the ordinance provision and the specific application of that provision to the property because:

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ii. the proposed use is a reasonable one because:

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**OR**

(B) If the criteria in subparagraph A above 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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Applicant \_\_\_\_\_ Date \_\_\_\_\_  
(Signature)

When appearing before the Board of Adjustment, you should:

State your name and address. If you are the property owner, you should state how long you have owned the property. If you are not the owner, you are required to have the written permission of the owner to represent the petition.

You should then inform the Board why you are seeking a variance/special exception/equitable waiver/appeal. You can use the words on your petition.

The five criteria are for **VARIANCE** applications **ONLY**

THE FOLLOWING ARE POSSIBLE REPLIES TO THE CRITERIA NECESSARY FOR YOU TO ADDRESS IN SEEKING A VARIANCE. YOU NEED NOT LIMIT YOUR REPLIES TO THESE EXAMPLES.

ITEM #1– IN THE PUBLIC INTEREST:

Explain whether the granting of the variance would alter the essential character of the locality, or whether the granting of the variance would threaten public health, safety or welfare.

ITEM #2- WITHIN SPIRIT OF THE ORDINANCE:

We are only requesting a variance to waive one of zoning's requirements and we will meet all the other setbacks and codes.

If the variance is granted we will meet all the other requirements that town will place on us such as following the building code, obtaining all necessary permits, etc.

We will meet all town codes and requirements including having a State approved septic system designed for the proposed use.

Explain whether the granting of the variance would alter the essential character of the locality, or whether the granting of the variance would threaten public health, safety or welfare.

ITEM #3- SUBSTANTIAL JUSTICE:

The use we are seeking is a permitted use for that district.

The use being requested is consistent with uses of the surrounding lots and variance being granted will allow us to use our property in the same manner.

Explain how there is a loss to you as the property owner if this variance is denied that is not outweighed by a gain to the general public from the protection or restriction created by this requirement.

ITEM #4– NO DECREASE IN VALUE OF THE SURROUNDING PROPERTY VALUES:

New Dwelling:       The proposed structure will be of equal or greater value than the surrounding properties.

The proposed addition will be of the same architecture as surrounding dwellings.

Addition: The proposed addition will be aesthetically pleasing and add to the property thus having no adverse effect pm surrounding properties.

ITEM #5 –

**A) LITERAL ENFORCEMENT OF THE PROVISIONS OF THE ORDINANCE WOULD RESULT IN AN UNNECESSARY HARDSHIP: (Please complete 5A & 5B)**

To establish an "unnecessary hardship" please explain what condition of the property or the land distinguishes it from others in the area and supports this variance request.

Explain why there's no relationship between the general public purposes of this ordinance's provisions (what it aims to protect or achieve) and the specific application of this provision to your property.

Explain why the proposed use if reasonable.

**OR**

**B) If the Board finds that hardship criteria 5 (A) above is not satisfied, an unnecessary hardship will be found to exist if:**

Explain why the property cannot be reasonably used in strict conformance with the ordinance due to special conditions of the property that distinguish it from other properties in the area.

Explain why a variance is needed to enable a reasonable use of the property.

The above information is for assisting you in addressing the criteria for variances. You may provide additional and more detailed information at the public hearing so that the Board will have full knowledge of your request and be able to make a decision on same.

**August 13, 2002**

Pelham Zoning Board of Adjustment Applicants

RE: Abutter notification procedure.

To Whom It May Concern:

As a result of recent issues relating to the quantity and quality of applications submitted to the Zoning Board of Adjustment for review, the Planning Department has recommended changes in some procedures. The most significant changes reflects the abutter notification process. In conjunction with a review of NH RSA 676:7 regarding minimum procedural requirements for notice, the Board adopted a policy requiring applicants to complete all abutter lists for meeting notifications.

Although the Planning Department staff will continue to be available for general assistance, the Department is not permitted to take part in the actual generation of the lists themselves. This procedure comports more closely with the language of the above referenced statutory provision and protects the Town from claims regarding deficient notification.

Effective immediately, it is the responsibility of each applicant to complete the list and 3 sets of mailing labels using the form I have attached to this letter. Copies are available on our web page at [www.pelham-nh.com](http://www.pelham-nh.com). No abutters list will be accepted unless accompanied by a signed copy of the first page of the form.

Thank you for your cooperation.

Very truly yours,

*Planning Department*

CC: Board of Adjustment



# Town of Pelham

## Zoning Board of Adjustment

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### Official Abutters Notification Form

This form is the *official and only* form to be used for the purpose of notifying abutters for a Pelham Zoning Board of Adjustment meeting. This form must be filled out and/or attached to any abutters list submitted to the Town for a public hearing. This form, along with all other application materials must be submitted 21 days in advance of the hearing date requested. Failure to submit this form with the completed abutters list by the above date and time will void any request for a public hearing.

In accordance with New Hampshire Revised Statutes Annotated 676:7 I(a), as amended from time to time, the following names and addresses must be submitted for notice purposes:

- ◆ The applicant or applicants and owners of the land under review.
- ◆ Every abutter
- ◆ Holders of conservation, preservation, or agricultural preservation restrictions.

For abutting land owners, the names and addresses must be generated from town records not more than 5 days prior to filing the application. Compliance with notification procedures is the sole responsibility of the applicant and not the Planning Board or Town staff. Lists will not be reviewed for correctness by the Planning Board or Town staff. Copies of the abutters shall be attached to the application and submitted with three (3) sets of mailing labels for use by the Town.

By signing below, the applicant(s) formally submits this form, along with the required list of addresses and names, and attests to compliance with the above requirements.

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Signature of Applicant

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Date

*(begin list on reverse side)*



**BOARD OF ADJUSTMENT  
6 VILLAGE GREEN  
PELHAM, NH 03076  
635-7811**

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## TOWN OF PELHAM

6 Village Green  
Pelham, New Hampshire 03076

### **AUTHORIZATION TO ACT AS AGENT**

Date: \_\_\_\_\_

I authorize \_\_\_\_\_ to act as my agent in securing any and all  
permits necessary to the development of my property located at \_\_\_\_\_  
Pelham Tax Map \_\_\_\_\_.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

Witness: \_\_\_\_\_