

TOWN OF HENNIKER  
ZONING BOARD OF ADJUSTMENT  
***VARIANCE APPLICATION***

Revised 1-17-18

CASE NO. \_\_\_\_\_

Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

E-mail Address \_\_\_\_\_

Owner of Property \_\_\_\_\_

Location of Property \_\_\_\_\_ Map \_\_\_\_\_ Lot \_\_\_\_\_

Zoning District where Property is Located \_\_\_\_\_

Signature of Owner of Property \_\_\_\_\_

If the property owner is not the applicant, the property owner MUST provide a notarized letter (original) authorizing the applicant to file an application.

You are applying to use your property in a way that is prohibited by the requirements in the Zoning Ordinance. Please state the Article \_\_\_\_\_ and Section \_\_\_\_\_ of the Zoning Ordinance that you are requesting a variance from.

Please give a detailed description of your proposal below.

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Has this property received a Special Exception or Variance in the past? \_\_\_\_\_

If "YES", please provide copies of past Zoning Board of Adjustment Notices of Decision.

**Please provide copies of the Property Tax Card, Plot Plan, and any other information that you feel would be helpful for the Zoning Board to have when reviewing the application. If you cite case law in your argument, please provide a copy of the case with your filing.**

1. Granting the variance would not be contrary to the public interest because:

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2. Describe how the spirit of the ordinance would be observed by granting the variance:

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3. Describe how substantial justice would be done by granting the variance:

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4. Describe how values of surrounding properties would not be diminished:

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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<sup>1</sup> because:

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<sup>1</sup> The definition of “unnecessary hardship” set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation

- a. 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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- b. the proposed use is a reasonable one because:

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- c. If the criteria in subparagraph 5(a) and (b) 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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### **ABUTTER LIST**

An abutter list and three (3) sets of 1" x 2 5/8" mailing labels containing names and addresses of those on the mailing notification list, including abutters, property owners, agents, prospective Applicants, easement (conservation, preservation, agricultural) holders, and any professional whose seal appears on the plan **202-9.A**

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on a permitted use, or any other requirement of the ordinance.

An abutter is defined as any person whose property is located in NH and adjoins or is directly across the street or stream from the land under consideration by the Zoning Board of Adjustment. The term abutter includes all holders of conservation, preservation, or agricultural easements; the officers of a condominium or other collective form of ownership; the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the Zoning Board of Adjustment; and any professionals hired by the applicant/property owner (surveyors, engineers, etc.). See NH RSA 672:3.

Information for the abutters list can be obtained at the Town Hall during regular business hours. Abutter information must be obtained no more than 1 month prior to application submittal.

### **FEES**

Application Fee	\$125.00
Newspaper Notice Fee	\$125.00
Abutter Notice Fee	\$10.00 per abutter

#### **Amount enclosed with application:**

Application Fee	\$ _____
Newspaper Notice	\$ _____
Abutters	\$ _____
<b>Total</b>	\$ _____

Fees **MUST** be paid at the time the application is submitted or the application will not be accepted. Fees can be paid in cash or by check made out to the "Town of Henniker".

The ZBA may require the establishment of an escrow account to pay for independent consultants to assist the ZBA in their review of the application. If you wish to proactively establish this escrow account prior to meeting with the ZBA, contact the Planning Consultant.

### **APPLICATION SUBMISSION**

Submissions must be made in accordance with the adopted Zoning Board of Adjustment submission deadline, which is posted at the Town Hall. All applicants are encouraged to meet with the Town Planner prior to submitting an application to avoid delays due to incomplete information.

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