

**TOWN OF BARNSTEAD  
ZONING BOARD OF ADJUSTMENT  
P.O. BOX 11  
CENTER BARNSTEAD, NH 03225  
603-269-2299 X 4**

**APPLICATION FOR APPEAL**

**FOR OFFICIAL USE ONLY**

\_\_\_\_\_ Administrative Decision  
\_\_\_\_\_ Special Exception  
 Variance  
\_\_\_\_\_ Equitable Waiver

Case Number \_\_\_\_\_  
Date Received \_\_\_\_\_  
Date of Hearing \_\_\_\_\_

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

Mailing Address: \_\_\_\_\_

Telephone Number: Home \_\_\_\_\_ Other: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

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

Map \_\_\_\_\_ Lot \_\_\_\_\_ Zoning District \_\_\_\_\_

Existing use of Property: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Details of Request: (describe the project you are seeking approval for):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Applicant/Representative: \_\_\_\_\_

(if same as applicant, write "same")

Mailing Address: \_\_\_\_\_

Telephone Number: Home \_\_\_\_\_ Other: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**APPLICATION FOR APPEAL: VARIANCE**

The undersigned hereby requests a variance from the terms of Article \_\_\_\_\_,  
Section \_\_\_\_\_, and asks that said terms be waived to permit the following:

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The applicant bears the burden of presenting evidence sufficient to allow the Zoning Board to reach conclusions and make findings to support the authorization of a variance. To do so, the undersigned alleges that the following legal criteria for granting a variance are satisfied, and submits the accompanying written statement, records, photographs, and other materials to justify the granting of the variance and to explain how each of the criteria for the variance is or will be satisfied.

1. Authorization of a variance will not diminish the value of surrounding properties because:  
(describe why the variance will not affect property values in the area)

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2. The authorization of a variance will not be contrary to the public interest because: (explain why no harm to the public interest will be created by the variance)

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3. Authorization of a variance will result in substantial justice because: (describe why the variance will create no harm for other property owners or permissible uses)

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4. The granting of a variance will not be contrary to the spirit and intent of the Ordinance because: (explain why granting of the variance is not in conflict with the permissible uses of the land and the goals of the zoning ordinance as defined by RSA 674:17) See attached RSA table.

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**APPLICATION FOR APPEAL: VARIANCE**

**5. Unnecessary Hardship**

**A.** 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 to the owner because:

a. The proposed use is a reasonable one because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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 reasonable used in strict conformance with the ordinance, an a variance is therefore necessary to enable a reasonable use of it.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Date: \_\_\_\_\_

**APPLICATION FOR APPEAL: VARIANCE**  
**ZONING APPEAL: Supporting Documentation:**

The Applicant shall submit to the Board of Adjustment **one (1)** copy of the Application for Appeal and all supporting documents.

The Applicant shall submit to the Board of Adjustment **two (2) copies** of a complete and legible site plan, drawn to scale showing in correct detail the following elements **where applicable**:

1. Area of lot;
2. Location of existing and proposed buildings;
3. Proposed layout of existing and proposed outside facilities;
4. Proposed layout of parking areas and loading bays; including
5. Proposed type and location of screening, of recreation and play areas, and of areas for outside storage of materials;
6. Location of access, egress, and interior roadways;
7. Location and adequacy of utilities, drainage, and provision for public safety.

**IMPORTANT:**

Site plans must be provided according to the above listed elements, and, if in the Code Administrator's determination such site plan is inadequate, any Special Exception and/or Variance appeal will not be placed on the agenda until he/she feels all requirements have been met. An appellant has the right to appeal the Code Administrator's denial of such placement on the agenda. If the Board, upon such appeal, sustains the Code Administrator's denial, it will not hear the case until the case is properly noticed following submission of an adequate site plan. If the Board overrules the Code Administrator's denial, the case will be heard that evening or at the next soonest Board meeting for which the appellant is prepared to proceed.

## **RSA TABLE**

### **TITLE LXIV PLANNING AND ZONING CHAPTER 674**

### **LOCAL LAND USE PLANNING AND REGULATORY POWERS ZONING**

#### **Section 674:17**

#### **674:17 Purposes of Zoning Ordinances. –**

I. Every zoning ordinance shall be adopted in accordance with the requirements of RSA 674:18. Zoning ordinances shall be designed:

- (a) To lessen congestion in the streets;
- (b) To secure safety from fires, panic and other dangers;
- (c) To promote health and the general welfare;
- (d) To provide adequate light and air;
- (e) To prevent the overcrowding of land;
- (f) To avoid undue concentration of population;
- (g) To facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, child day care;
- (h) To assure proper use of natural resources and other public requirements;
- (i) To encourage the preservation of agricultural lands and buildings; and
- (j) To encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum set back requirements, and limitations on type, height, and placement of vegetation; and encouragement of the use of solar sky space easements under RSA 477. Zoning ordinances may establish buffer zones or additional districts, which overlap existing districts and may further regulate the planting and trimming of vegetation on public and private property to protect access to renewable energy systems.